

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

POWER RENTAL OP CO, LLC

Plaintiff,

v.

Case No. 3:20-cv-1015-TJC-JRK

VIRGIN ISLANDS WATER &  
POWER AUTHORITY,

Defendant.

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**ORDER**

This case comes before the Court on Plaintiff Power Rental Op Co's ("OpCo") motion for reconsideration (Doc. 86), to which Defendant Virgin Islands Water & Power Authority ("WAPA") has responded (Doc. 94). OpCo contends that the Court should reconsider its January 27, 2021 Order (Doc. 76) dissolving the prejudgment writs of garnishment due to a recent Florida state appellate court decision, Buechel v. Shim, No. 5D19-3716, 2021 WL 298161 (Fla. 5th DCA Jan. 29, 2021), and the Court's miscitation of In re McCuan, No. 9:14-bk-00954, 2018 WL 11206025 (Bankr. M.D. Fla. Feb. 13, 2018). See Doc. 86 at 2–3. OpCo also argues that the January 27, 2021 Order runs afoul of the Supreme Court's decision in Fall v. Eastin, 215 U.S. 1, 8 (1909) ("A court of equity, having authority to act upon the person, may indirectly act upon real estate in another state, through the instrumentality of this authority over the person. Whatever it

may do through the party, it may do to give effect to its decree respecting property, whether it goes to the entire disposition of it or only to affect it with liens or burdens.”). See id. at 4.

Upon review of the parties’ filings and applicable case law, the Court concludes that OpCo’s motion for reconsideration is due to be denied. Buechel, which concerns a post-judgment motion to compel the delivery of property to creditors under a distinct Florida statute, see 2021 WL 298161 at \*3, is not controlling as to the application of the Florida prejudgment garnishment statutes. The holding in Fall does not preclude the Court’s dissolution of the writs either. See Aequitas Enterprises, LLC v. Interstate Inv. Grp., LLC, 267 P.3d 923, 926 (Utah 2011) (“The authority to issue writs of attachment is grounded entirely in state law.”).

To remedy the Court’s miscitation of In re McCuan, No. 9:14-bk-00954-FMD, 2018 WL 11206025 (M.D. Fla. Feb. 13, 2018), the Court will amend the January 27, 2021 Order (Doc. 76). In the amended order, the Court will replace “In re McCuan, No. 9:14-bk-00965-FMD, 2018 WL 11206025, at \*2–3 (Bankr. M.D. Fla. Feb. 13, 2018)” with the proper citation, “In re McCuan, No. 9:14-bk-00965-FMD, 2015 WL 7717422, at \*3, \*5 (Bankr. M.D. Fla. Nov. 30, 2015).”

Accordingly, it is hereby

**ORDERED:**

Plaintiff Power Rental Op Co’s Motion for Reconsideration (Doc. 86) is

**DENIED.**

**DONE AND ORDERED** in Jacksonville, Florida this 6th day of July,  
2021.



*Timothy J. Corrigan*

TIMOTHY J. CORRIGAN  
United States District Judge

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Copies:

Counsel of record